

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

KENNETH LYNN POLLARD, JR.,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:19-cv-01005-KOB-JEO
)	
JEFFERSON S. DUNN,)	
)	
Respondent.)	

MEMORANDUM OPINION


Kenneth Lynn Pollard, Jr., an Alabama state prisoner, filed this habeas corpus action pursuant to 28 U.S.C. § 2254. (Doc. 1). On July 25, 2019, the magistrate judge entered a report and recommendation that this action be dismissed without prejudice for lack of jurisdiction because Pollard's petition amounts to a successive § 2254 application, for which he lacks authorization from the Eleventh Circuit, as required by 28 U.S.C. § 2244(b). (Doc. 3). Pollard, through counsel, filed timely objections to the report and recommendation. (Doc. 4).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge's report and recommendation and the petitioner's objections to it, the court ADOPTS the magistrate judge's report and ACCEPTS his recommendation. While Pollard objects to the report and recommendation, his objection merely repeats his actual innocence argument and

does not address that he lacks authorization to bring a successive petition in this court.¹ Accordingly, the court **OVERRULES** Pollard's objections. Pollard's petition for a writ of habeas corpus is due to be **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.

The court will enter a separate Final Order.

DONE and ORDERED this 22nd day of November, 2019.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE

¹ While Pollard states he “intends to file an application to the United States Court of Appeals for the Eleventh Circuit as soon as possible for leave to submit a successive petition” (doc. 4 at 2), nothing in that statement refutes that until such leave is granted, this court lacks jurisdiction.